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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

AARON J. SHEPARD and NICOLE H.
SHEPARD, individually, and on behalf of
the marital community,

Plaintiffs,

vs.

CHELAN COUNTY, by and through its
Agency the CHELAN COUNTY
SHERIFF'S OFFICE, a Washington
Municipal Corporation,

Defendants.

NO. 2:23-CV-00041-TOR

**DEFENDANT'S ANSWER
AND AFFIRMATIVE
DEFENSES**

Defendant Chelan County answers plaintiffs' complaint as follows:

1. PARTIES

1.1 Defendant is without sufficient information or belief to admit or deny the allegations contained in paragraph 1.1 of plaintiffs' complaint and therefore denies the same.

**DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES - 1**

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1
2 1.2 Defendant admits the allegations contained in paragraph 1.2 of
3 plaintiffs' complaint.

4
5 1.3 In answering the allegations contained in paragraph 1.3 of plaintiffs'
6 complaint, defendant admits that Chelan County is a political subdivision of the
7 State of Washington and that it maintains a Sheriff's Department employing at
8 least fifteen (15) employees. Defendant denies the remaining allegations contained
9 in said paragraph.
10

11 2. JURISDICTION AND VENUE

12
13 2.1 Defendant is without sufficient information or belief to admit or deny
14 the allegations contained in paragraph 2.1 of plaintiffs' complaint and therefore
15 denies the same.

16
17 2.2 Defendant is without sufficient information or belief to admit or deny
18 the allegations contained in paragraph 2.2 of plaintiffs' complaint and therefore
19 denies the same.

20
21 2.3 Defendant admits the allegations contained in paragraph 2.3 of
22 plaintiffs' complaint.

23
24 2.4 Defendant admits the allegations contained in paragraph 2.4 of
25 plaintiffs' complaint.

26 2.5 In answering paragraph 2.5 of plaintiff's complaint, defendant admits
27 that the events alleged in plaintiff's complaint occurred in Chelan County,
28

1
2 Washington, but expressly denies that said events occurred as alleged by plaintiffs
3 or that these events constituted a violation of plaintiffs' rights under any federal or
4 state law.
5

6 2.6 Defendants deny the allegations contained in paragraph 2.6 of
7 plaintiffs' complaint.
8

9 2.7 In answering the allegations contained in paragraph 2.7 of plaintiffs'
10 complaint, defendants admit that this court has jurisdiction to hear and decide the
11 claims made by plaintiffs, but expressly denies that these claims give rise to
12 liability on behalf of defendant.
13

14 2.8 As the allegations contained in paragraph 2.8 of plaintiffs' complaint
15 do not contain allegations of fact no response is required. To the extent that said
16 paragraph does contain allegations of fact those allegations are denied.
17

18 2.9 As the allegations contained in paragraph 2.9 of plaintiffs' complaint
19 do not contain allegations of fact no response is required. To the extent that said
20 paragraph does contain allegations of fact those allegations are denied.
21

22 2.10 Defendant admits the allegations contained in paragraph 2.10 of
23 plaintiffs' complaint.
24

25 3. ADMINISTRATIVE PROCEDURES

26 3.1 Defendant admits the allegations contained in paragraph 3.1 of
27 plaintiffs' complaint.
28

29 **DEFENDANT'S ANSWER AND**
30 **AFFIRMATIVE DEFENSES - 3**

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3.2 Defendant admits the allegations contained in paragraph 3.2 of plaintiffs' complaint.

3.3 Defendant admits the allegations contained in paragraph 3.3 of plaintiffs' complaint.

4. FACTUAL BACKGROUND

4.1 Defendant admits the allegations contained in paragraph 4.1 of plaintiffs' complaint.

4.2 Defendant is without sufficient information or belief to admit or deny the allegations contained in paragraph 4.2 of plaintiffs' complaint and therefore denies the same.

4.3 Defendant denies the allegations contained in paragraph 4.3 of plaintiffs' complaint.

4.4 Defendant is without sufficient information or belief to admit or deny the allegations contained in paragraph 4.4 of plaintiffs' complaint and therefore denies the same.

4.5 Defendant denies the allegations contained in paragraph 4.5 of plaintiffs' complaint.

4.6 Defendant is without sufficient information or belief to admit or deny the allegations contained in paragraph 4.6 of plaintiffs' complaint and therefore denies the same.

1
2 4.7 Defendant is without sufficient information or belief to admit or deny
3 the allegations contained in paragraph 4.7 of plaintiffs' complaint and therefore
4 denies the same.
5

6 4.8 Defendant is without sufficient information or belief to admit or deny
7 the allegations contained in paragraph 4.8 of plaintiffs' complaint and therefore
8 denies the same.
9

10 4.9 Defendant is without sufficient information or belief to admit or deny
11 the allegations contained in paragraph 4.9 of plaintiffs' complaint and therefore
12 denies the same.
13

14 4.10 Defendant denies the allegations contained in paragraph 4.10 of
15 plaintiffs' complaint.
16

17 4.11 Defendant is without sufficient information or belief to admit or deny
18 the allegations contained in paragraph 4.11 of plaintiffs' complaint and therefore
19 denies the same.
20

21 4.12 Defendant denies the allegations contained in paragraph 4.12 of
22 plaintiffs' complaint.
23

24 4.13 Defendant denies the allegations contained in paragraph 4.13 of
25 plaintiffs' complaint.
26

27 4.14 Defendant denies the allegations contained in paragraph 4.14 of
28 plaintiffs' complaint.
29

30 **DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES - 5**

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1
2 4.15 Defendant admits the allegations contained in paragraph 4.15 of
3 plaintiffs' complaint.

4
5 4.16 In answering the allegations contained in paragraph 4.16 of plaintiffs'
6 complaint, defendant responds that in 2017 Deputy Jennifer Tyler did pursue
7 litigation against defendant and others and that Deputy Tyler did prevail in her
8 litigation. By way of further answer, defendant responds that the underlying
9 pleadings and judgment in Deputy Tyler's litigation speak for themselves.
10 Defendant denies the remaining allegations contained in paragraph 4.16 of
11 plaintiffs' complaint.
12

13
14 4.17 Defendant is without sufficient information or belief to admit or deny
15 the allegations contained in paragraph 4.17 of plaintiffs' complaint and therefore
16 denies the same.
17

18 4.18 Defendant is without sufficient information or belief to admit or deny
19 the allegations contained in paragraph 4.18 of plaintiffs' complaint and therefore
20 denies the same.
21

22 **DISCRIMINATORY CONDUCT**

23 4.19 Defendant denies the allegations contained in paragraph 4.19 of
24 plaintiffs' complaint.
25

26 4.20 Defendant denies the allegations contained in paragraph 4.20 of
27 plaintiffs' complaint.
28

29 **DEFENDANT'S ANSWER AND**
30 **AFFIRMATIVE DEFENSES - 6**

1
2 4.21 Defendant admits the allegations contained in paragraph 4.21 of
3 plaintiffs' complaint.

4
5 4.22 Defendant admits the allegations contained in paragraph 4.22 of
6 plaintiffs' complaint.

7
8 4.23 Defendant admits the allegations contained in paragraph 4.23 of
9 plaintiffs' complaint.

10 4.24 Defendant denies the allegations contained in paragraph 4.24 of
11 plaintiffs' complaint.

12
13 4.25 Defendant denies the allegations contained in paragraph 4.25 of
14 plaintiffs' complaint.

15 4.26 Defendant admits the allegations contained in paragraph 4.26 of
16 plaintiffs' complaint.

17
18 4.27 Defendant is without sufficient information or belief to admit or deny
19 the allegations contained in paragraph 4.27 of plaintiffs' complaint and therefore
20 denies the same.

21
22 4.28 Defendant admits the allegations contained in paragraph 4.28 of
23 plaintiffs' complaint.

24
25 4.29 Defendant admits the allegations contained in paragraph 4.29 of
26 plaintiffs' complaint.

1
2 4.30 Defendant is without sufficient information or belief to admit or deny
3 the allegations contained in paragraph 4.30 of plaintiffs' complaint and therefore
4 denies the same.
5

6 4.31 Defendant denies the allegations contained in paragraph 4.31 of
7 plaintiffs' complaint.
8

9 4.32 Defendant denies the allegations contained in paragraph 4.32 of
10 plaintiffs' complaint.
11

12 4.33 Defendant denies the allegations contained in paragraph 4.33 of
13 plaintiffs' complaint.
14

15 4.34 Defendant denies the allegations contained in paragraph 4.34 of
16 plaintiffs' complaint.
17

18 4.35 Defendant denies the allegations contained in paragraph 4.35 of
19 plaintiffs' complaint.
20

21 4.36 Defendant denies the allegations contained in paragraph 4.36 of
22 plaintiffs' complaint.
23

24 4.37 Defendant denies the allegations contained in paragraph 4.37 of
25 plaintiffs' complaint.
26

27 4.38 Defendant denies the allegations contained in paragraph 4.38 of
28 plaintiffs' complaint.
29

1
2 4.39 Defendant denies the allegations contained in paragraph 4.39 of
3 plaintiffs' complaint.

4
5 4.40 Defendant is without sufficient information or belief to admit or deny
6 the allegations contained in paragraph 4.40 of plaintiffs' complaint and therefore
7 denies the same.

8
9 4.41 Defendant is without sufficient information or belief to admit or deny
10 the allegations contained in paragraph 4.41 of plaintiffs' complaint and therefore
11 denies the same.

12
13 4.42 Defendant is without sufficient information or belief to admit or deny
14 the allegations contained in paragraph 4.42 of plaintiffs' complaint and therefore
15 denies the same. By way of further answer defendant specifically denies that
16 plaintiff Aaron Shepard was subjected to bullying and harassment.
17

18 4.43 Defendant denies the allegations contained in paragraph 4.43 of
19 plaintiffs' complaint.

20
21 4.44 Defendant denies the allegations contained in paragraph 4.44 of
22 plaintiffs' complaint.

23
24 4.45 Defendant denies the allegations contained in paragraph 4.45 of
25 plaintiffs' complaint.

1
2 4.46 Defendant is without sufficient information or belief to admit or deny
3 the allegations contained in paragraph 4.46 of plaintiffs' complaint and therefore
4 denies the same.
5

6 4.47 Defendant is without sufficient information or belief to admit or deny
7 the allegations contained in paragraph 4.47 of plaintiffs' complaint and therefore
8 denies the same.
9

10 4.48 Defendant is without sufficient information or belief to admit or deny
11 the allegations contained in paragraph 4.48 of plaintiffs' complaint and therefore
12 denies the same.
13

14 4.49 Defendant is without sufficient information or belief to admit or deny
15 the allegations contained in paragraph 4.49 of plaintiffs' complaint and therefore
16 denies the same.
17

18 4.50 Defendant denies the allegations contained in paragraph 4.50 of
19 plaintiffs' complaint.
20

21 4.51 Defendant denies the allegations contained in paragraph 4.51 of
22 plaintiffs' complaint.
23

24 4.52 Defendant denies the allegations contained in paragraph 4.52 of
25 plaintiffs' complaint.
26

27 4.53 Defendant denies the allegations contained in paragraph 4.53 of
28 plaintiffs' complaint.
29

1
2 4.54 Defendant denies the allegations contained in paragraph 4.54 of
3 plaintiffs' complaint.

4
5 4.55 Defendant is without sufficient information or belief to admit or deny
6 the allegations contained in paragraph 4.55 of plaintiffs' complaint and therefore
7 denies the same.

8
9 4.56 Defendant is without sufficient information or belief to admit or deny
10 the allegations contained in paragraph 4.56 of plaintiffs' complaint and therefore
11 denies the same.

12
13 4.57 Defendant is without sufficient information or belief to admit or deny
14 the allegations contained in paragraph 4.57 of plaintiffs' complaint and therefore
15 denies the same.

16
17 4.58 Defendant is without sufficient information or belief to admit or deny
18 the allegations contained in paragraph 4.58 of plaintiffs' complaint and therefore
19 denies the same.

20
21 4.59 Defendants deny the allegations contained in paragraph 4.59 of
22 plaintiffs' complaint.

23
24 4.60 Defendant is without sufficient information or belief to admit or deny
25 the allegations contained in paragraph 4.60 of plaintiffs' complaint and therefore
26 denies the same.

1
2 4.61 Defendant is without sufficient information or belief to admit or deny
3 the allegations contained in paragraph 4.61 of plaintiffs' complaint and therefore
4 denies the same.
5

6 4.62 Defendants deny the allegations contained in paragraph 4.62 of
7 plaintiffs' complaint.
8

9 4.63 Defendants deny the allegations contained in paragraph 4.63 of
10 plaintiffs' complaint.
11

12 4.64 Defendants deny the allegations contained in paragraph 4.64 of
13 plaintiffs' complaint.
14

15 4.65 Defendants deny the allegations contained in paragraph 4.65 of
16 plaintiffs' complaint.
17

18 4.66 Defendants deny the allegations contained in paragraph 4.66 of
19 plaintiffs' complaint.
20

21 4.67 Defendants deny the allegations contained in paragraph 4.67 of
22 plaintiffs' complaint.
23

24 4.68 Defendants deny the allegations contained in paragraph 4.68 of
25 plaintiffs' complaint.
26

27 4.69 In answering the allegations contained in paragraph 4.69 of plaintiffs'
28 complaint, defendant responds that the EEOC's findings and determination speak
29 for themselves.
30

1
2 4.70 Defendant denies the allegations contained in paragraph 4.70 of
3 plaintiffs' complaint.

4
5 4.71 Defendant denies the allegations contained in paragraph 4.71 of
6 plaintiffs' complaint.

7 **5. FIRST CAUSE OF ACTION: §1983 CLAIM FOR VIOLATING OF**
8 **THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT**

9 5.1 Defendant realleges all previous paragraphs, admissions and denials
10 as fully set forth herein.

11
12 5.2 In answering the allegations contained in paragraph 5.2 of plaintiffs'
13 complaint, defendant responds that said paragraph only contains conclusions of
14 law and no factual allegations therefore no response is required. To the extent said
15 paragraph does contain allegations of fact those allegations are denied.

16
17 5.3 In answering the allegations contained in paragraph 5.3 of plaintiffs'
18 complaint, defendant responds that said paragraph only contains conclusions of
19 law and no factual allegations therefore no response is required. To the extent said
20 paragraph does contain allegations of fact those allegations are denied.

21
22 5.4 In answering the allegations contained in paragraph 5.4 of plaintiffs'
23 complaint, defendant responds that said paragraph only contains conclusions of
24 law and no factual allegations therefore no response is required. To the extent said
25 paragraph does contain allegations of fact those allegations are denied.
26
27
28

1
2 5.5 Defendant denies the allegations contained in paragraph 5.5 of
3 plaintiffs' complaint.

4
5 5.6 In answering the allegations contained in paragraph 5.6 of plaintiffs'
6 complaint, defendant responds that said paragraph only contains conclusions of
7 law and no factual allegations therefore no response is required. To the extent said
8 paragraph does contain allegations of fact those allegations are denied.

9
10 5.7 Defendant denies the allegations contained in paragraph 5.7 of
11 plaintiffs' complaint.

12
13 5.8 Defendant denies the allegations contained in paragraph 5.8 of
14 plaintiffs' complaint.

15
16 5.9 Defendant denies the allegations contained in paragraph 5.9 of
17 plaintiffs' complaint.

18
19 5.10 Defendant denies the allegations contained in paragraph 5.10 of
20 plaintiffs' complaint.

21 **6. SECOND CAUSE OF ACTION: EMPLOYMENT DISCRIMINATION**
22 **(HOSTILE WORK ENVIRONMENT) IN VIOLATION OF TITLE VII OF**
23 **THE CIVIL RIGHTS ACT OF 1964, AS AMENDED, 42 U.S.C. § 2000E-2(A)**

24
25 6.1 Defendant realleges all previous paragraphs, admissions and denials
26 as fully set forth herein.

27
28 6.2 In answering the allegations contained in paragraph 6.2 of plaintiffs'
29 complaint, defendant responds that said paragraph only contains conclusions of

1
2 law and no factual allegations therefore no response is required. To the extent said
3 paragraph does contain allegations of fact those allegations are denied.
4

5 6.3 In answering the allegations contained in paragraph 6.3 of plaintiffs'
6 complaint, defendant responds that said paragraph only contains conclusions of
7 law and no factual allegations therefore no response is required. To the extent said
8 paragraph does contain allegations of fact those allegations are denied.
9

10 6.4 Defendant denies the allegations contained in paragraph 6.4 of
11 plaintiffs' complaint.
12

13 6.5 Defendant denies the allegations contained in paragraph 6.5 of
14 plaintiffs' complaint.
15

16 6.6 Defendant denies the allegations contained in paragraph 6.6 of
17 plaintiffs' complaint.
18

19 **7. THIRD CAUSE OF ACTION: EMPLOYMENT DISCRIMINATION**
20 **(HARASSMENT) IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS**
21 **ACT OF 1964, AS AMENDED, 42 U.S.C. § 2000E-2(A)**
22

23 7.1 Defendant realleges all previous paragraphs, admissions and denials
24 as fully set forth herein.
25

26 7.2 Defendant denies the allegations contained in paragraph 7.2 of
27 plaintiffs' complaint.
28

29 7.3 In answering the allegations contained in paragraph 7.3 of plaintiffs'
30 complaint, defendant responds that said paragraph only contains conclusions of

1
2 law and no factual allegations therefore no response is required. To the extent said
3 paragraph does contain allegations of fact those allegations are denied.

4
5 7.4 Defendant denies the allegations contained in paragraph 7.4 of
6 plaintiffs' complaint.

7
8 7.5 Defendant denies the allegations contained in paragraph 7.5 of
9 plaintiffs' complaint.

10 **8. FOURTH CAUSE OF ACTION: EMPLOYMENT**
11 **DISCRIMINATION BASED ON RELIGION IN VIOLATION**
12 **OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,**
AS AMENDED, 42 U.S.C. § 2000E-2(A)

13
14 8.1 Defendant realleges all previous paragraphs, admissions and denials
15 as fully set forth herein.

16
17 8.2 In answering the allegations contained in paragraph 8.2 of plaintiffs'
18 complaint, defendant responds that said paragraph only contains conclusions of
19 law and no factual allegations therefore no response is required. To the extent said
20 paragraph does contain allegations of fact those allegations are denied.

21
22 8.3 Defendant denies the allegations contained in paragraph 8.3 of
23 plaintiffs' complaint.

24
25 8.4 Defendant denies the allegations contained in paragraph 8.4 of
26 plaintiffs' complaint.

27
28 8.5 Defendant denies the allegations contained in paragraph 8.5 of
29 plaintiffs' complaint.

30 **DEFENDANT'S ANSWER AND**
AFFIRMATIVE DEFENSES - 16

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1
2 8.6 Defendant denies the allegations contained in paragraph 8.6 of
3 plaintiffs' complaint.

4
5 8.7 Defendant denies the allegations contained in paragraph 8.7 of
6 plaintiffs' complaint.

7
8 8.8 Defendant denies the allegations contained in paragraph 8.8 of
9 plaintiffs' complaint.

10 **9. FIFTH CAUSE OF ACTION: RETALIATION IN VIOLATION OF**
11 **TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,**
12 ***AS AMENDED*, 42 U.S.C. § 2000E-2(A)**

13 9.1 Defendant realleges all previous paragraphs, admissions and denials
14 as fully set forth herein.

15 9.2 In answering the allegations contained in paragraph 9.2 of plaintiffs'
16 complaint, defendant responds that said paragraph only contains conclusions of
17 law and no factual allegations therefore no response is required. To the extent said
18 paragraph does contain allegations of fact those allegations are denied.

19 9.3 In answering the allegations contained in paragraph 9.3 of plaintiffs'
20 complaint, defendant responds that said paragraph only contains conclusions of
21 law and no factual allegations therefore no response is required. To the extent said
22 paragraph does contain allegations of fact those allegations are denied.

23 9.4 Defendant denies the allegations contained in paragraph 9.4 of
24 plaintiffs' complaint.
25

1
2 9.5 Defendant denies the allegations contained in paragraph 9.5 of
3 plaintiffs' complaint.

4
5 9.6 Defendant denies the allegations contained in paragraph 9.6 of
6 plaintiffs' complaint.

7
8 9.7 Defendant denies the allegations contained in paragraph 9.7 of
9 plaintiffs' complaint.

10 **10. SIXTH CAUSE OF ACTION: EMPLOYMENT DISCRIMINATION**
11 **(HOSTILE WORK ENVIRONMENT) BASED ON RELIGION IN**
12 **VIOLATION OF THE WASHINGTON LAW AGAINST**
13 **DISCRIMINATION (WLAD), RCW 49.60.180**

14 10.1 Defendant realleges all previous paragraphs, admissions and denials
15 as fully set forth herein.

16 10.2 In answering the allegations contained in paragraph 10.2 of plaintiffs'
17 complaint, defendant responds that said paragraph only contains conclusions of
18 law and no factual allegations therefore no response is required. To the extent said
19 paragraph does contain allegations of fact those allegations are denied.

20
21 10.3 In answering the allegations contained in paragraph 10.3 of plaintiffs'
22 complaint, defendant responds that said paragraph only contains conclusions of
23 law and no factual allegations therefore no response is required. To the extent said
24 paragraph does contain allegations of fact those allegations are denied.

25
26 10.4 Defendant denies the allegations contained in paragraph 10.4 of
27 plaintiffs' complaint.

28
29 **DEFENDANT'S ANSWER AND**
30 **AFFIRMATIVE DEFENSES - 18**

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10.5 Defendant denies the allegations contained in paragraph 10.5 of plaintiffs' complaint.

**11. SEVENTH CAUSE OF ACTION: EMPLOYMENT
DISCRIMINATION (HARASSMENT) BASED ON RELIGION IN
VIOLATION OF THE WASHINGTON LAW AGAINST
DISCRIMINATION (WLAD), RCW 49.60.180**

11.1 Defendant realleges all previous paragraphs, admissions and denials as fully set forth herein.

11.2 In answering the allegations contained in paragraph 11.2 of plaintiffs' complaint, defendant responds that said paragraph only contains conclusions of law and no factual allegations therefore no response is required. To the extent said paragraph does contain allegations of fact those allegations are denied.

11.3 Defendant denies the allegations contained in paragraph 11.3 of plaintiffs' complaint.

11.4 Defendant denies the allegations contained in paragraph 11.4 of plaintiffs' complaint.

11.5 Defendant denies the allegations contained in paragraph 11.5 of plaintiffs' complaint.

**12. EIGHTH CAUSE OF ACTION: EMPLOYMENT
DISCRIMINATION BASED ON RELIGION IN VIOLATION
OF THE WASHINGTON LAW AGAINST DISCRIMINATION
(WLAD), RCW 49.60.180**

12.1 Defendant realleges all previous paragraphs, admissions and denials as fully set forth herein.

12.2 In answering the allegations contained in paragraph 12.2 of plaintiffs' complaint, defendant responds that said paragraph only contains conclusions of law and no factual allegations therefore no response is required. To the extent said paragraph does contain allegations of fact those allegations are denied.

12.3 Defendant denies the allegations contained in paragraph 12.3 of plaintiffs' complaint.

12.4 Defendant denies the allegations contained in paragraph 12.4 of plaintiffs' complaint.

12.5 Defendant denies the allegations contained in paragraph 12.5 of plaintiffs' complaint.

12.6 Defendant denies the allegations contained in paragraph 12.6 of plaintiffs' complaint.

**13. NINTH CAUSE OF ACTION: RETALIATION IN VIOLATION OF
THE WASHINGTON LAW AGAINST DISCRIMINATION (WLAD),
RCW 49.60.210**

13.1 Defendant realleges all previous paragraphs, admissions and denials as fully set forth herein.

13.2 In answering the allegations contained in paragraph 13.2 of plaintiffs' complaint, defendant responds that said paragraph only contains conclusions of

1
2 law and no factual allegations therefore no response is required. To the extent said
3 paragraph does contain allegations of fact those allegations are denied.
4

5 13.3 In answering the allegations contained in paragraph 13.3 of plaintiffs'
6 complaint, defendant responds that said paragraph only contains conclusions of
7 law and no factual allegations therefore no response is required. To the extent said
8 paragraph does contain allegations of fact those allegations are denied.
9

10 13.4 Defendant denies the allegations contained in paragraph 13.4 of
11 plaintiffs' complaint.
12

13 13.5 Defendant denies the allegations contained in paragraph 13.5 of
14 plaintiffs' complaint.
15

16 13.6 Defendant denies the allegations contained in paragraph 13.6 of
17 plaintiffs' complaint.
18

19 13.7 Defendant denies the allegations contained in paragraph 13.7 of
20 plaintiffs' complaint.
21

22 13.8 Defendant denies the allegations contained in paragraph 13.8 of
23 plaintiffs' complaint.
24

25 **14. TENTH CAUSE OF ACTION: TORT OF NEGLIGENCE**
26 **INFLECTION OF EMOTIONAL DISTRESS IN VIOLATION OF THE**
27 **WASHINGTON COMMON LAW**
28

29 14.1 Defendant realleges all previous paragraphs, admissions and denials
30 as fully set forth herein.

1
2 14.2 In answering the allegations contained in paragraph 14.2 of plaintiffs'
3 complaint, defendant responds that said paragraph only contains conclusions of
4 law and no factual allegations therefore no response is required. To the extent said
5 paragraph does contain allegations of fact those allegations are denied.
6

7 14.3 Defendant denies the allegations contained in paragraph 14.3 of
8 plaintiffs' complaint.
9

10 14.4 Defendant denies the allegations contained in paragraph 14.4 of
11 plaintiffs' complaint.
12

13 **15. ELEVENTH CAUSE OF ACTION: TORT OF INTENTIONAL**
14 **INFLECTION OF EMOTIONAL DISTRESS IN VIOLATION OF THE**
15 **WASHINGTON COMMON LAW**

16 15.1 Defendant realleges all previous paragraphs, admissions and denials
17 as fully set forth herein.

18 15.2 Defendant denies the allegations contained in paragraph 15.2 of
19 plaintiffs' complaint.
20

21 15.3 In answering the allegations contained in paragraph 15.3 of plaintiffs'
22 complaint, defendant responds that said paragraph only contains conclusions of
23 law and no factual allegations therefore no response is required. To the extent said
24 paragraph does contain allegations of fact those allegations are denied.
25

26 15.4 Defendant denies the allegations contained in paragraph 15.4 of
27 plaintiffs' complaint.
28

1
2 15.5 Defendant denies the allegations contained in paragraph 15.5 of
3 plaintiffs' complaint.
4

5 **16. TWELFTH CAUSE OF ACTION: TORT OF WRONGFUL**
6 **DISCHARGE IN VIOLATION OF WASHINGTON STATE LAW**

7 16.1 Defendant realleges all previous paragraphs, admissions and denials
8 as fully set forth herein.

9 16.2 In answering the allegations contained in paragraph 16.2 of plaintiffs'
10 complaint, defendant responds that said paragraph only contains conclusions of
11 law and no factual allegations therefore no response is required. To the extent said
12 paragraph does contain allegations of fact those allegations are denied.
13

14 16.3 Defendant denies the allegations contained in paragraph 16.3 of
15 plaintiffs' complaint.
16

17 16.4 Defendant denies the allegations contained in paragraph 16.4 of
18 plaintiffs' complaint.
19

20 16.5 Defendant denies the allegations contained in paragraph 16.5 of
21 plaintiffs' complaint.
22

23 16.6 Defendant denies the allegations contained in paragraph 16.6 of
24 plaintiffs' complaint.

25 16.7 Defendant denies the allegations contained in paragraph 16.7 of
26 plaintiffs' complaint.
27

1
2 16.8 Defendant denies the allegations contained in paragraph 16.8 of
3 plaintiffs' complaint.
4

5 **17. THIRTEENTH CAUSE OF ACTION:**
6 **WASHINGTON STATE TORT OF OUTRAGE**

7 17.1 Defendant realleges all previous paragraphs, admissions and denials
8 as fully set forth herein.

9 17.2 Defendant is without sufficient information or belief to admit or deny
10 the allegations contained in paragraph 17.2 of plaintiffs' complaint and therefore
11 denies the same.
12

13 17.3 Defendant denies the allegations contained in paragraph 17.3 of
14 plaintiffs' complaint.
15

16 17.4 In answering the allegations contained in paragraph 17.4 of plaintiffs'
17 complaint, defendant denies that plaintiff Aaron Shepard was discriminated against
18 because of his religious beliefs and/or refusal to participate in a certain church. As
19 the remaining allegations contained in said paragraph contain only conclusions of
20 law and not allegations of fact no further response is required by defendant. To the
21 extent the remaining allegations of said paragraph do contain allegations of fact,
22 those allegations are denied.
23
24

25 17.5 Defendant denies the allegations contained in paragraph 17.5 of
26 plaintiffs' complaint.
27

28 **ALL ALLEGATIONS NOT EXPRESSLY ADMITTED ARE DENIED**

29 **DEFENDANT'S ANSWER AND**
30 **AFFIRMATIVE DEFENSES - 24**

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AFFIRMATIVE DEFENSES

Defendant asserts by way of affirmative defenses the following:

1. Plaintiffs have failed to state a claim upon which relief can be granted.
2. All conduct alleged by the plaintiffs was lawful.
3. The plaintiffs' damages, if any, were caused by plaintiffs themselves and/or third parties over whom the defendant exercised no control or right to control.
4. The plaintiffs have failed to mitigate their damages, if any.
5. Plaintiffs' claims are barred, in whole, or part by the applicable statute of limitations.
6. The plaintiffs have waived their claims or are otherwise estopped from pursuing said claims.
8. The plaintiffs' claims are barred by laches.
9. The plaintiffs have failed to satisfy a necessary condition precedent to bringing this lawsuit, namely the filing of an administrative claim for damages pursuant to RCW 4.96 et seq.
10. Due to plaintiffs' failure to timely and properly commence this action the Court lacks jurisdiction.

PRAYER FOR RELIEF

Defendant requests the following relief:

**DEFENDANT'S ANSWER AND
AFFIRMATIVE DEFENSES - 25**

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1. Plaintiffs' complaint be dismissed with prejudice;
2. Plaintiffs be awarded nothing;
3. Defendant be awarded its reasonable attorney's fees and costs pursuant to applicable statute, case law or recognized ground in equity for litigating this matter; and
4. For such other and further relief as the court deems just and equitable under the circumstances.

DATED this 12th day of May, 2023

s/KIRK A. EHLIS (WSBA #22908)
Attorneys for Defendant
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Email: kehlis@mjbe.com

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2023, I electronically served the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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